

United States Courts
Southern District of Texas
FILED

JUL 19 2019

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Gerardo Martinez
Kayla Miller

CRIMINAL COMPLAINT

Case Number: C-19-2754M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about July 18, 2019 in Brooks, Texas County, in the

(Date)

Southern District of Texas, defendant,

Gerardo Martinez
Kayla Miller

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Angel C. Davila

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

July 19, 2019

Date

~~Ernesto Lopez~~ U.S. Magistrate Judge

Name and Title of Judicial Officer

Jason B. Libby
United States Magistrate Judge

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On July 18, 2019, Border Patrol Agent (BPA) M. Ortiz assigned to Operation Alamo was working near Encino, Texas. At approximately 08:00 pm, BPA M. Ortiz received information via his service radio that another BPA had observed a silver in color Dodge Avenger took a turn around on US Highway 281, just south of the Falfurrias Border Patrol Checkpoint. The BPA advised they were watching the Dodge Avenger and it appeared to be pulling over on the side of the road, actions that are indicative of Alien Smuggling. The BPA advised the vehicle then continued to proceed southbound on Highway 281. The BPA advised that they were in an unmarked service vehicle and therefore were unable to conduct a vehicle stop on the Dodge Avenger. The BPA then advised that the vehicle had reached a Farm Marked road and was taking the exit. The BPA then advised the vehicle abruptly continued back onto US Highway 281 and was driving very slowly. BPA M. Ortiz proceeded to respond to their location and assist with conducting a vehicle stop on the suspect vehicle. BPA M. Ortiz approached the unmarked Border Patrol unit and the suspect vehicle. BPA M. Ortiz then proceeded to conduct a vehicle stop on the silver Dodge Avenger. As the vehicle come to a stop, BPA M. Ortiz observed the back seat passenger vehicle doors open, and two individuals absconded west from the Highway into the brush. BPA M. Ortiz immediately began a pursuit on foot of both individuals. Other BPA's assisted in the pursuit of the absconders. A short distance from the Highway, BPA's were able to apprehend one of the absconding subjects. The driver and front passenger were both arrested from the front seats of the Dodge Avenger.

All subjects were placed under arrest and transported to the Falfurrias Border Patrol Station for case preparation.

Miranda Rights:

All subjects were advised of their Miranda Rights in their preferred language. All subjects acknowledged they understood their rights. Kayla MILLER & Gerardo MARTINEZ declined to provide statements without the present of an attorney. Juan Alejandro ESPINOZA-Barron agree to provide statements without the present of an attorney.

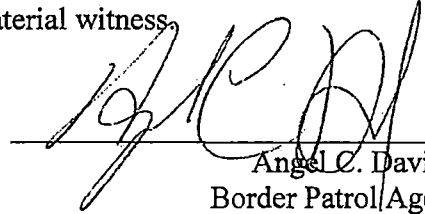
Material Witness Juan Alejandro ESPINOZA statement:

ESPINOZA stated he crossed the Rio Grande River on September 2018 and has been living in McAllen, Texas for approximately 10 months. ESPINOZA stated he got out of work at 4:00 p.m. and got picked up at his residence in McAllen by Kayla MILLER. ESPINOZA stated they left his residence around 5:00 p.m. and went to a small ranch in Encino, TX for a party. ESPINOZA stated they left the ranch in Encino, Texas to go to Edinburg, Texas to pick up more beer. ESPINOZA stated while they were driving southbound, they saw flashing red and blue lights and believed it to be a State Trooper. ESPINOZA stated he panicked and ran away once the vehicle came to a stop.

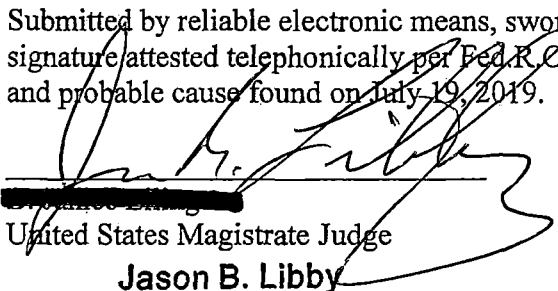
Note: Kayla Miller has a prior arrest for alien smuggling out of Falfurrias, Texas in April 8, 2019.

Disposition:

The facts of this case were presented to Assistant United States Attorney Vincent Tang who accepted Kayla MILLER and Gerardo MARTINEZ for prosecution of 8 USC 1324, Alien Smuggling. Juan Alejandro ESPINOZA will be held as a material witness.


Angel C. Davila.
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on July 19, 2019.


United States Magistrate Judge

Jason B. Libby
United States Magistrate Judge